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MAY 27 2005

SURFACE
TRANSPORTATION BOARD
BEFORE THE
SURFACE TRANSPORTATION BOARD



STB Docket No. AB-70 (Sub-No. 5X)

ENTERED
Office of Proceedings

MAY 27 2005

Part of
Public Record

FILED

MAY 27 2005

FLORIDA EAST COAST RAILWAY, L.L.C.
—ABANDONMENT—

IN BREVARD COUNTY, FLORIDA
(TITUSVILLE BRANCH LINE)

NOTICE OF EXEMPTION

Florida East Coast Railway, L.L.C. ("FEC") files this Notice of Exemption with the Surface Transportation Board (the "Board") pursuant to the Board's regulations at 49 C.F.R. §1152.50, Subpart F. This Notice of Exemption is for the abandonment of FEC's branch line of railroad from milepost TB 0.0 in Titusville, Florida to milepost TB 9.8 in Aurantia, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles within Brevard County, Florida. No local or overhead traffic has moved over the Titusville Branch for at least two years.

Pursuant to the Board's regulations at 49 C.F.R. §1152.50, Subpart F, FEC states as follows:

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment is proposed to be consummated on or after July 20, 2005.

Certification: 49 C.F.R. § 1152.50(b)

The certification required by 49 C.F.R. § 1152.50(b) is attached hereto as Exhibit A. No local or overhead traffic has moved over the Titusville Branch for at least two years and no formal complaint filed by a rail service user regarding cessation of service over the Titusville Branch is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the prior two year period.

Additional Information Required: 49 C.F.R. § 1152.22(a)(1-4),(7),(8) and (e)(4)

(a) General.

(a)(1) The exact name of applicant is: Florida East Coast Railway, L.L.C.

(a)(2) FEC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) FEC seeks to abandon the Titusville Branch, which runs from milepost TB 0.0 in Titusville, Florida to milepost TB 9.8 in Aurland, Florida, a distance of approximately 9.8 miles within Brevard County, Florida.

(a)(4) A detailed map of the Titusville Branch is attached hereto as Exhibit B.

(a)(7) The representative of FEC to whom correspondence regarding this abandonment should be sent is:

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.
One Malaga Street
St. Augustine, Florida 32085-1048

(a)(8) The Titusville Branch traverses United States Postal Service Zip Codes 32754 and 32796.

(e) Rural and Community Impact

(e)(4) The Titusville Branch may be suitable for other public purposes, including interim trail use. Titles to intermittent sections of the Titusville Branch are owned by

adverse possession pursuant to Section 1722, General Statutes of Florida, 1906. FEC is not otherwise aware of any restriction to title to the Titusville Branch, including any reversionary interests, which would affect the transfer of title or the use of the Titusville Branch for other than rail purposes. Based upon information in FEC's possession, the Titusville Branch does not contain federally granted rights-of-way. Any documentation in FEC's possession will be made available promptly to those requesting it.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The Titusville Branch has been out of service for more than two years; therefore, FEC believes no employees will be adversely affected by exercise of abandonment authority for the Titusville Branch. However, because the Board may not use its exemption authority to relieve a carrier of its statutory duty to protect the interests of its employees (49 U.S.C. § 10502(g)), FEC recognizes that the Board will impose the labor protective conditions adopted in *Oregon Short Line R. and Union Pacific R.-Abandonment-Goshen*, 360 I.C.C. 91 (1979), to protect the interests of FEC employees who may be adversely affected by the proposed abandonment.

Certificate of Compliance with Notice Requirements of 49 C.F.R. § 1152.50(d)(1)

The certificate required by 49 C.F.R. § 1152.50(d)(1) is attached hereto as Exhibit C.

Environmental Report and Historic Report

The Environmental Report required by 49 C.F.R. § 1105.7 and the Historic Report required by 49 C.F.R. § 1105.8 have been combined and are attached hereto as Exhibit D. The Combined Environmental and Historic Report has been served upon all agencies required to receive such notice, as certified in the Certificate of Service attached hereto as Exhibit E. The only agency responses to the Combined Environmental and Historic Report that were not included in that Report were (i) an additional letter from the Florida

Department of State Division of Historical Resources dated May 4, 2005 confirming that the proposed abandonment would have no effect on historic properties and requesting the Titusville Branch be documented, and (ii) copies of two letters addressed to the Board's Section of Environmental Analysis, one dated April 28, 2005 from the Brevard County Board of County Commissioners and one dated May 5, 2005 from the United States Department of Commerce. Copies of these letters are attached hereto as Exhibit F.

Newspaper Publication of Notice

The newspaper publication required by 49 C.F.R. § 1105.12 is attached hereto as Exhibit G.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marlene Hammock". The signature is written in dark ink and is positioned above the printed name and title.

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.
One Malaga Street
St. Augustine, Florida 32085-1048

Dated: May 25, 2005

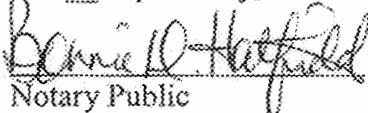
VERIFICATION

STATE OF FLORIDA)
)
COUNTY OF ST. JOHNS)

Reginald M. Thompson, being duly sworn, states that he is the Vice-President - Carload Marketing and Sales of Florida East Coast Railway, L.L.C., that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-70 (Sub-No. 5X) on behalf of Florida East Coast Railway, L.L.C.; that he has carefully examined all of the statements in the Notice of Exemption as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.


Reginald M. Thompson

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named,
this 25 day of May, 2005.


Notary Public

My Commission expires: 10/30/07

BONNIE D. HATFIELD
Notary Public, State of Florida
My comm. expires Oct. 30, 2007
Comm. No. DD 263480


EXHIBIT A

CERTIFICATION
49 C.F.R. § 1152.50(b)

In accordance with 49 C.F.R. § 1152.50(b), Florida East Coast Railway, L.L.C., by and through the undersigned, hereby certifies that with respect to the Titusville Branch line subject to the Notice of Exemption in STB Docket No. AB-70 (Sub-No. 5X): (1) no local traffic has moved over the line for at least two years; (2) no overhead traffic has moved over the line for at least two years; and (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof.

The foregoing certification is made on behalf of Florida East Coast Railway by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.

Florida East Coast Railway, L.L.C.

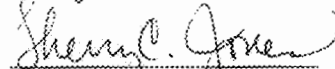
By: 
Reginald M. Thompson
Vice-President
Carload Marketing and Sales

Date: May 25, 2005

State of Florida
County of St. Johns

SHERRY C. JONES
Notary Public, State of Florida
My comm. expires Jan. 22, 2006
Comm. No. DD 084231

The foregoing signature was sworn to subscribed before me this 25th day of May 2005 by Reginald M. Thompson who is personally known to me.


Notary

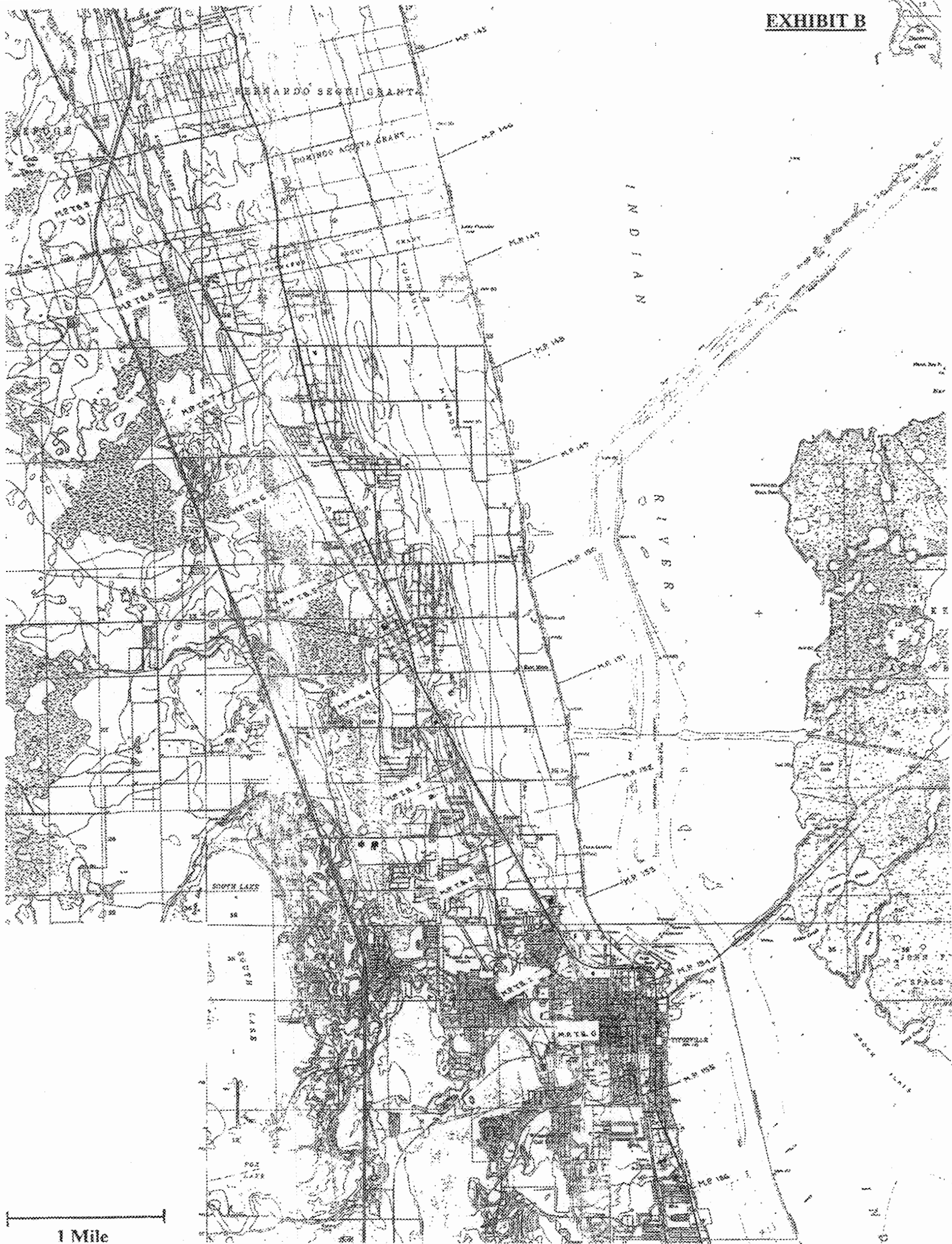


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-70 (Sub-No. 5X) was mailed via Federal Express, overnight mail on April 12, 2005 to the following parties:

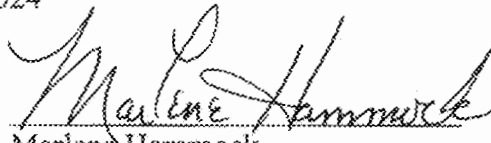
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida
32399-0850

José Abreu
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

SDDCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Ms. Patricia A. Hooks
Regional Director, Southeast Region
Recreation Resources Assistance Division
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Mr. Dale Bosworth
Chief of the Forest Service
U.S. Department of Agriculture
Yates Building
201 14th Street, S.W.
Washington, D.C. 20024


Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: May 25, 2005

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The United States Department of Agriculture, Natural Resource Conservation Service, was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 10, 2005 concurred that the proposed abandonment would not have any effect on any prime agricultural land. See Attachment 3.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.

The Florida Department of Environmental Protection, Water Resource Management and Florida Coastal Management Program, were notified by letters dated February 25, 2005 of the proposed abandonment. By letter dated March 2, 2005, the Florida State Clearing House staff of the Florida Department of Environmental Protection concurred that the proposed abandonment would have no effect on coastal zone management. See Attachment 4.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

FEC believes that the Titusville Branch proposed for abandonment is not suitable for purposes such as roads or highways, other forms of mass transportation, conservation or energy production or transmission, as the area is adequately served by existing roads, utilities and other infrastructure. A portion of the Titusville Branch proposed to be abandoned may be suitable for use as a recreational facility.

(4) ENERGY

(i) Describe the effect of the proposed action on transportation of energy resources.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will not result in an increase or decrease in overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will not cause diversion of rail traffic to motor carriage.

(5) AIR

(i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton mile annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the

average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will not result in any increase in rail traffic, train activity or daily yard activity.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will not result in traffic or rail yard activity increases.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon is contemplated, identify: The materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety records (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve or affect the transportation of ozone depleting materials. There has been no rail traffic on the Titusville Branch for over two years.

(6) NOISE

If any of the threshold identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater.

The thresholds identified in item (5)(i) have not and will not be surpassed.

(7) SAFETY

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no adverse effect upon public health or safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve or affect the transportation of hazardous materials.

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

FEC's records do not indicate that there are any hazardous waste sites, or sites where there have been hazardous material spills, on the Titusville Branch.

(8) BIOLOGICAL RESOURCES

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. By letter dated March 10, 2005, the U.S. Fish and Wildlife Service determined that the proposed abandonment is not likely to affect any federally listed species or adversely modify any areas designated as critical habitats. See Attachment 5.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

FEC does not believe the proposed abandonment will affect any wildlife sanctuaries or refuges, National or State parks or forests. The National Park Service, Southeast Region, the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Service were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 5 and 6. As of the date of this report no other response has been received in regard to the proposed abandonment. FEC will provide the Board copies of any response it receives.

(9) WATER

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Florida Department of Environmental Protection, Water Resource Management, was notified of the proposed abandonment by letter dated February 25, 2005. See Attachment 4. As of the date of this report no other response has been received. FEC will provide the Board with copies of any response it receives.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The U.S. Army Corps of Engineers was notified of the proposed abandonment by letter dated February 25, 2005 and by letter dated March 18, 2005 advised that the proposed abandonment is not located in navigable waters, does not require permits under Section 404 and will not involve the discharge of dredged or fill material into U.S. waters. See Attachment 7.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

The U.S. Environmental Protection Agency and the Florida Department of Environmental Protection, Water Resource Management, were notified of the proposed abandonment by letters dated February 25, 2005. See Attachments 4 and 8. As of the date of this report no other response has been received. FEC will provide the Board copies of any response it receives.

(10). MITIGATION.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There has been no rail traffic on the Titusville Branch for over two years. The proposed abandonment will not have any adverse environmental impacts in the project area; therefore, mitigating action will not be necessary.

HISTORIC REPORT – 49 C.F.R. § 1105.8(d)

(1) **Map.** A U.S.G.S topographic map showing the location of the Titusville Branch proposed to be abandoned, is attached hereto as Appendix 1. A small trestle bridge (the "Trestle Bridge") is the only railroad structure on the Titusville Branch that is 50 years old or older. (See paragraphs (3) and (4) below).

(2) **Description of Line.** The Titusville Branch proposed to be abandoned is a branch railway line of FEC running from milepost TB 0.0 to milepost TB 9.8, a distance of approximately 9.8 miles. The Titusville Branch right-of-way varies in width from 30 feet to 200 feet, with most of the right-of-way having a width of 100 feet. The Titusville Branch runs through commercial and industrial areas as well as medium and rural residential areas.

(3) **Photographs.** Attached as Appendix 2 are photographs of the Trestle Bridge and surrounding area.

(4) **Information on Structures.** The Trestle Bridge is a small bridge over a culvert on the Titusville Branch that was built in the early 1950's. The Trestle Bridge was originally built with wood stringers and 90# rail, and is now made of steel stringers with 112# rail.

(5) **Brief History of Operations.** The Titusville Branch was acquired by FEC from 1885 through 1928. The Titusville Branch was constructed in the 1920's and has been used by FEC primarily to serve local shippers. No traffic has moved on the Titusville

Branch for over two years. No operational changes are contemplated as a result of the proposed abandonment of the Titusville Branch.

(6) **Engineering Documents.** Attached as Appendix 3 are engineering documents in FEC's records relating to the Trestle Bridge.

(7) **Historic Criteria.** FEC does not believe, based on readily available information in its possession, that the Titusville Branch (including the Trestle Bridge) meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe there is a likelihood of archeological resources or any other previously unknown historic properties in the project area. The Florida Department of State, Bureau of Historic Preservation was notified by letter dated February 25, 2005 of the proposed abandonment and by letter dated March 25, 2005 advised that no historic properties are known to exist in the area of the proposed abandonment. See Appendix 4 attached hereto.

(8) **Ground Disturbances.** Based on readily available information in its possession, other than the construction of the Titusville Branch in the 1920's, FEC does not know of any other subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources and the surrounding terrain.

CERTIFICATE OF SERVICE

I, Marlene Hammock, hereby certify that Florida East Coast Railway, L.L.C. has consulted with all appropriate agencies in preparing the foregoing Combined Environmental and Historic Report and that on April 8, 2005 a copy of the foregoing report was served via Federal Express, upon each of the following agencies as designated in 49 C.F.R. §1105.7(b):

Ms. Laura P. Milligan
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Sally B. Mann
Director, Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Mr. Ron Pritchard, D.P.A.
Chairperson
Board of County Commissioners
Brevard County
2575 N. Courtenay Parkway
Merritt Island, FL 32953

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

Ms. Marie Burns
Chief
U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
701 San Marco Blvd.
Jacksonville, FL 32207

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resource Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Ms. Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Ms. Robin Sobrino
Interim Director
Brevard County Planning and Zoning Office
2725 Judge Fran Jamieson Way, Bldg A
Viera, FL 32940

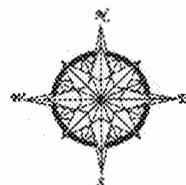
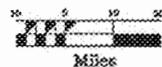

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: April 8, 2005

ATTACHMENT 1

Florida East Coast Railway, LLC Amended System Diagram Map

GEORGIA



Amendment of
October 1, 2004

Jacksonville SMSA

Atlantic
Ocean

FLORIDA

Mile Post 78.1
End of Track
Mile Post 78.1
Mile Post 78.1

St. Johns
River

Indian
River

St. Lucie

Martin

Port St. John

Fort Pierce

St. Cloud

Sebring

Bradford

Bradford

Bradford

Bradford

Bradford

Bradford

Bradford

Bradford

Mile Post 18.0
South Little River Branch
Mile Post 18.0
End of Track

DADE

West Palm Beach
SMSA

West Palm Beach

West Palm Beach

West Palm Beach

West Palm Beach

West Palm Beach

West Palm Beach

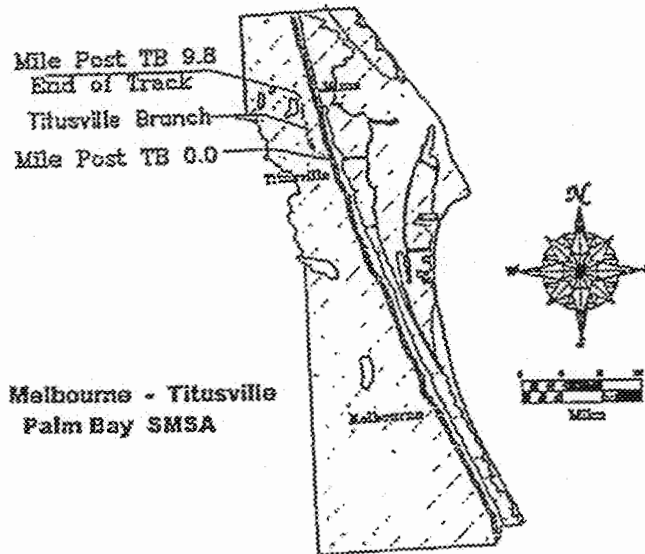
West Palm Beach

West Palm Beach

West Palm Beach

West Palm Beach

Florida East Coast Railway, LLC
Amended System Diagram Map
October 1, 2004



Brevard County, Florida

ATTACHMENT 2



February 25, 2005

Robin Sobrino
Interim Director
Planning and Zoning Office
Brevard County
Brevard County Government Center
Building A
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Sobrino:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning its branch rail line known as the Titusville Branch line, running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years.

A map showing the location of the Titusville Branch line is attached for your reference.

The proposed abandonment of this rail line requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

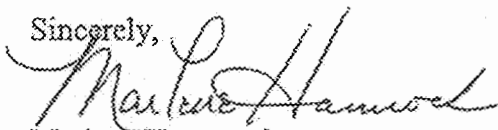
"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies." 49 C.F.R. §1105.7(e)(3)(i)

FEC believes the proposed action is consistent with existing land use plans. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions, please do not hesitate to contact me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

ATTACHMENT 3

February 25, 2005

Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Glasgow:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost L-15.5 to milepost LR-18.0 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:


"(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land." 49 C.F.R. §1105.7(e)(3)(ii).

FEC does not believe that the proposed abandonments will have any effect on any prime agricultural land. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbeds intact.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

United States Department of Agriculture

USDA



NRCS

Natural
Resources
Conservation
Service

P.O. Box 141510
Gainesville, FL 32614
Phone: (352) 338-9533
<http://www.fl.nrcs.usda.gov>

2614 NW 43rd Street
Gainesville, FL 32606
Fax: (352) 338-9578

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAR 17 2005

March 10, 2005

FLORIDA EAST COAST INDUSTRIES

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C.
One Malaga Street
PO Box 1048
St. Augustine, FL 32085-1048

RE: Florida East Coast Railway L.L.C./Abandonment Exemption

Dear Ms. Hammock:

This is in response to your request for comments on the referenced abandonment. We concur that the proposed abandonment will not have any effect on any prime agricultural land.

If I can be of further assistance, please contact me at (352) 338-9535.

Sincerely,

Warren Henderson
State Soil Scientist

ATTACHMENT 4

February 25, 2005

Mimi Drew
Director, Water Resource Management
Florida Department of Environmental Protection
Mail Station 3500
2600 Blair Stone Road
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Drew:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

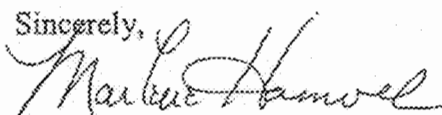
The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether (based on consultation with State water quality officials) the proposed action is consistent with applicable Federal, State or local water quality standards, and whether permits under section 402 of the Clean Water Act are required for the proposed action. See 49 C.F.R. §1105.7(e)(9).

FEC believes the proposed action is consistent with applicable federal, state and local water quality standards, and that no permit is required under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the roadbed intact. The crossties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock

Assistant Secretary

Enc.

February 25, 2005

Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Griffin :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether the proposed action affects land or water uses within a designated coastal zone. See 49 C.F.R. § 1105.7(e)(3)(iii). If the proposed abandonment would have such effects, FEC must provide the information required by 49 C.F.R. § 1509.

In regard to 49 C.F.R. § 1509, FEC does not believe that the proposed action conflicts with Florida's coastal zone management plan or requires a consistency review. It is FEC's current intention to remove the track materials, such as rails and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

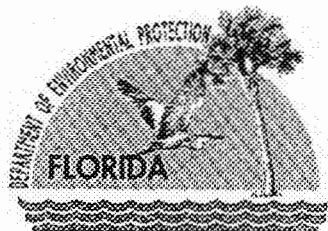
If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

March 2, 2005

Ms. Marlene Hammock, Assistant Secretary
Florida East Coast Railway, LLC
P.O. Drawer 1048
St. Augustine, FL 32085-1048

RE: Intermodal Surface Transportation Board -- Abandonment Exemption -- Florida East Coast Railway, LLC, Titusville and South Little River Branch Lines -- Brevard and Miami-Dade Counties, Florida.
SAI # FL200503010509C

Dear Ms. Hammock:

Florida State Clearinghouse staff, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has reviewed the referenced railroad line abandonment notice.

Based on the information contained in the notice, the State Clearinghouse concurs with the applicant's determination of no effect on coastal zone resources, pursuant to 15 CFR 930.35. Staff also notes the applicant's intention to comply with federal, state, and local environmental regulations. Please note that we have forwarded copies of your notice to the Florida Department of Environmental Protection/Office of Greenways and Trails, Florida Department of Transportation, and Florida Department of State/Division of Historical Resources for informational purposes.

Thank you for the opportunity to review this proposal. If you have any questions regarding this letter, please contact Ms. Lauren P. Milligan at (850) 245-2163.

Sincerely,

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/lm

cc: Jim Wood, DEP, OGT
Charlotte Hand, FDOT
Scott Edwards, DOS

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAR 07 2005

FLORIDA EAST COAST INDUSTRIES

"More Protection, Less Process"

Printed on recycled paper.

ATTACHMENT 5



February 25, 2005

Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, Georgia 30345

Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Hamilton and Ms. Poole:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with

obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

- "(i) Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected, and describe any effects." See 49 C.F.R. § 1105.7(e)(8).

FEC believes that the proposed abandonment is not likely to adversely affect endangered or threatened species or areas designated as a critical habitat, nor is it likely to affect wildlife sanctuaries or refuge, National or State parks or forests. It is FEC's current intention to remove the track material, such as rail and ties, but to leave the roadbed intact. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock
Assistant Secretary

Enc.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South

Suite 310

Jacksonville, Florida 32216-0912

Titusville letter

IN REPLY REFER TO:

FWS/R4/ES-JAFL/05-0799

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

March 10, 2005

MAR 14 2005

Marlene Hammock
Florida East Coast Railway, L.L.C.
Post Office Drawer 1048
St. Augustine, Florida 32085-1048

FLORIDA EAST COAST INDUSTRIES

FWS Log. No: 05-0799
Applicant: Florida East Coast Railway, L.L.C.
Project Name: Titusville Branch Abandonment
County: Brevard

Dear Ms. Hammock:

Thank you for your February 25, 2005 letter received by the U.S. Fish and Wildlife Service (Service) regarding potential project impacts to federally threatened or endangered species and critical habitats that may be affected by your company's proposed railway abandonment in Brevard County, Florida. The Service provides the following comments in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

Florida East Coast Railway, L.L.C. (FEC) proposes to abandon portions of two branch railroad lines. The Titusville Branch Line spans a distance of 9.8 miles from milepost TB 0.0 in the City of Titusville, Florida, to milepost TB-9.8 near Aurantia, Florida. The FEC intends to remove and properly dispose of all track material. The project is located in a highly urbanized area that provides little habitat for fish and wildlife.

FEC has determined that the proposed abandonment is not likely to adversely affect any federally listed species or adversely modify any areas designated as critical habitat; the Service concurs with FEC's determination. Comments regarding the proposed Dade County project can be acquired from the Service's Vero Beach Ecological Services Field Office area of responsibility which is located at 1339 20th Street, Vero Beach, Florida 32960-3559. If you have any further questions, please feel free to contact CalLee Davenport at (904) 232-2580 ext. 106 or via email, callee_davenport@fws.gov. Thank you for the opportunity to comment.

Sincerely,

Candace Martino

for David L. Hankla
Field Supervisor

ATTACHMENT 6

February 25, 2005

Via Federal Express

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Hooks:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to LR 18.0 has not been used to handle any rail traffic for more than two years

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

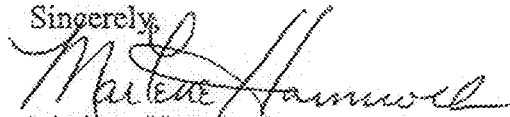
"(ii) State whether wildlife sanctuaries or refuge, National or State parks or forests will be affected [by the proposed abandonment], and describe any effects." 49 C.F.R. § 1105.7(e)(8)(ii).

FEC does not believe that the proposed abandonment will affect any wildlife sanctuary or refuge, National or State park or forest. It is FEC's current intention after the abandonment to remove the track material, such as track and ties. FEC does not intend to disturb any of the underlying roadbeds. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Hammock".

Marlene Hammock
Assistant Secretary

Enc.

ATTACHMENT 7



February 25, 2005

Marie Burns
Chief

U.S. Army Corps of Engineers

Jacksonville District, Regulatory Division

~~2460 North Courtney Parkway, Suite 204~~ 701 San Marco Blvd
Jacksonville, FL 32222-8919
87

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Burns:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to milepost LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. § 10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

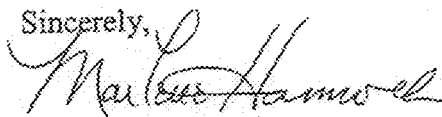
"Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects." 49 C.F.R. § 1105.7(e)(9)(ii).

FEC does not believe that a permit under Section 404 of the Clean Water Act is required in connection with the proposed abandonment. There will be no adverse impact on designated wetlands or 100 year flood plains. It is FEC's current intention after the abandonment to remove the track material, such as rail and ties. The ties and/or other debris will be properly disposed of and will not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock
Assistant Secretary

Enc.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
400 High Point DR Suite 600
Cocoa, FL 32926

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

Regulatory Division
North Permits Branch
SAJ-2005-2345

MAR 24 2005

FLORIDA EAST COAST INDUSTRIES MAR 18 2005

Florida East Coast Railway, L.L.C.
One Malaga Street
P.O. Drawer 1048
St. Augustine, FL 32085-1048

Dear Mrs. Marlene Hammock:

Reference is made to the application received on March 4, 2005, for a Department of the Army permit to abandon portions of two of its branch railroad lines. The work involves the removal of track material, such as rail and ties. The underlying roadbeds will not be disturbed and debris will be removed to an upland site. The railroad lines are located between milepost TB-0.00 north and the milepost TB-9.8 in Brevard County and between milepost LR-13 south to milepost LR-18 in Dade County, Florida. The application has been assigned number 05-2345.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

A U.S. Army Corps of Engineers' (Corps) "Basis for Jurisdiction" form is enclosed for your information and file. You are hereby advised that you have certain options available to you. These are outlined in the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form. It is very important that you read and understand the options provided. Should you choose to appeal the Corps' decision, your appeal should be directed to Commander, South Atlantic Division, U.S. Army Corps of Engineers, Attention: Appeals Review Officer, CESAD-CM-CO-R, Room 9M15, 60 Forsyth St., SW., Atlanta, Georgia 30303-8801.

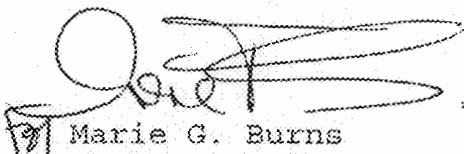
This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if Federally listed species or their habitat are present on your project site. If it is determined that Federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-763-2177, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Rebecca Hodgins at the letterhead address or by telephone at 321-504-3771 ext 10.

Thank you for your cooperation with our permit program.

Sincerely,



Marie G. Burns
Chief, Regulatory Division

Enclosures

Copies furnished:
CESAJ-RD-SS-A
Attn: Paul Kruger

ATTACHMENT 8

February 25, 2005

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Mr. Palmer:

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

(1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and

(2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR 15.5 to LR 18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must consider, *inter alia*, whether permits under section 402 of the Clean Water Act are required for the proposed action. 49 C.F.R. §1105.7(e)(9)(iii).

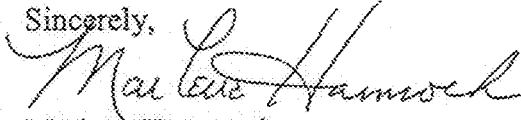
FEC does not believe that the proposed action requires a permit under section 402 of the Clean Water Act. It is FEC's current intention after the abandonment to remove the track material, such as rails and ties. The ties and/or other debris will be properly disposed of and will

not be discarded along the right-of-way or placed in any bodies of water or wetlands. FEC does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

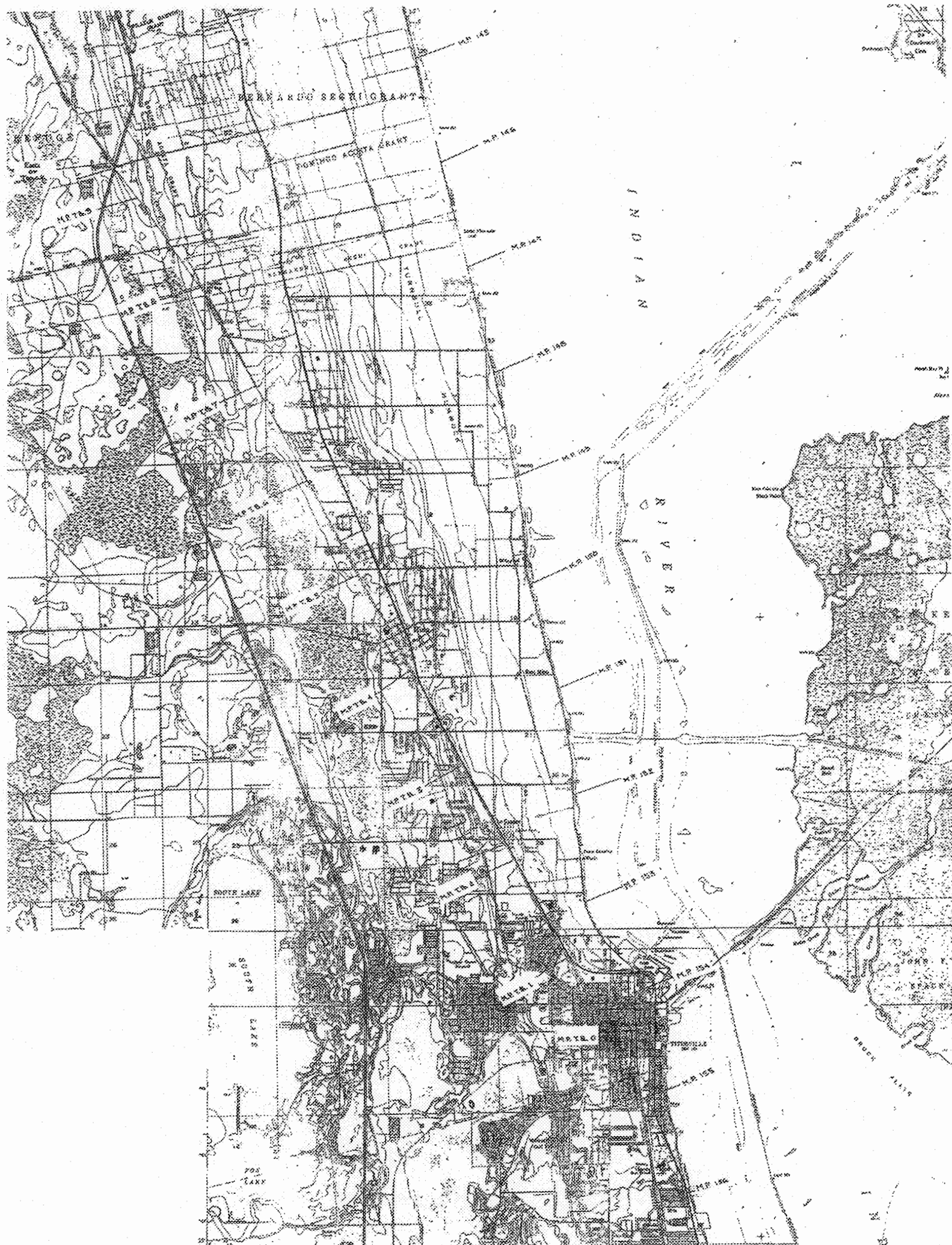
Sincerely,

A handwritten signature in cursive script that reads "Marlene Hammock". The signature is written in dark ink and is positioned above the printed name and title.

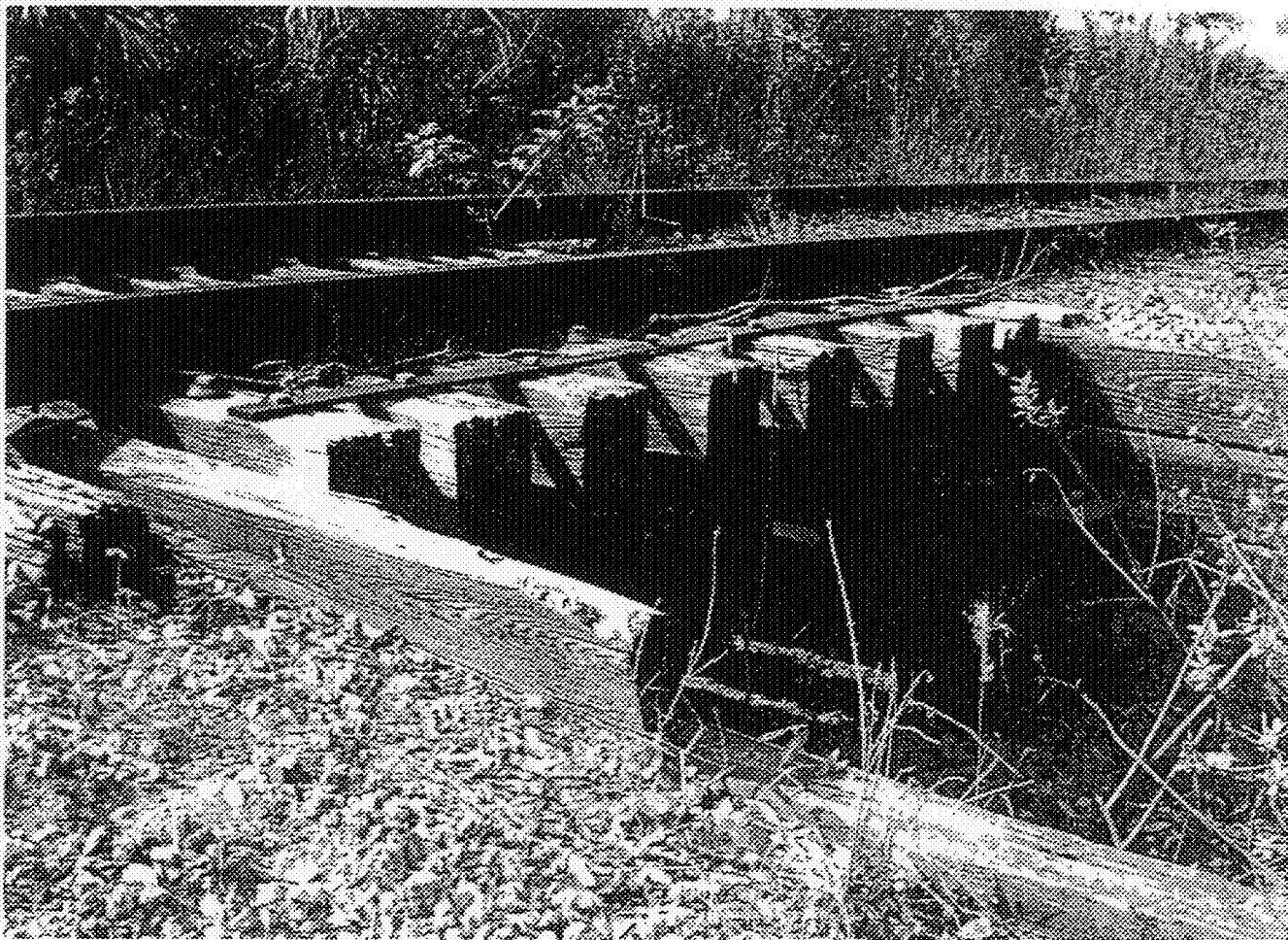
Marlene Hammock
Assistant Secretary

Enc.

APPENDIX 1



APPENDIX 2



APPENDIX 3

1952 A & B

Replace O.D. Trestle

Move south backwall 23± north.

Use 4 pile bents

Use 2-B9

(5-98-01)

" 2-C2 Single Track

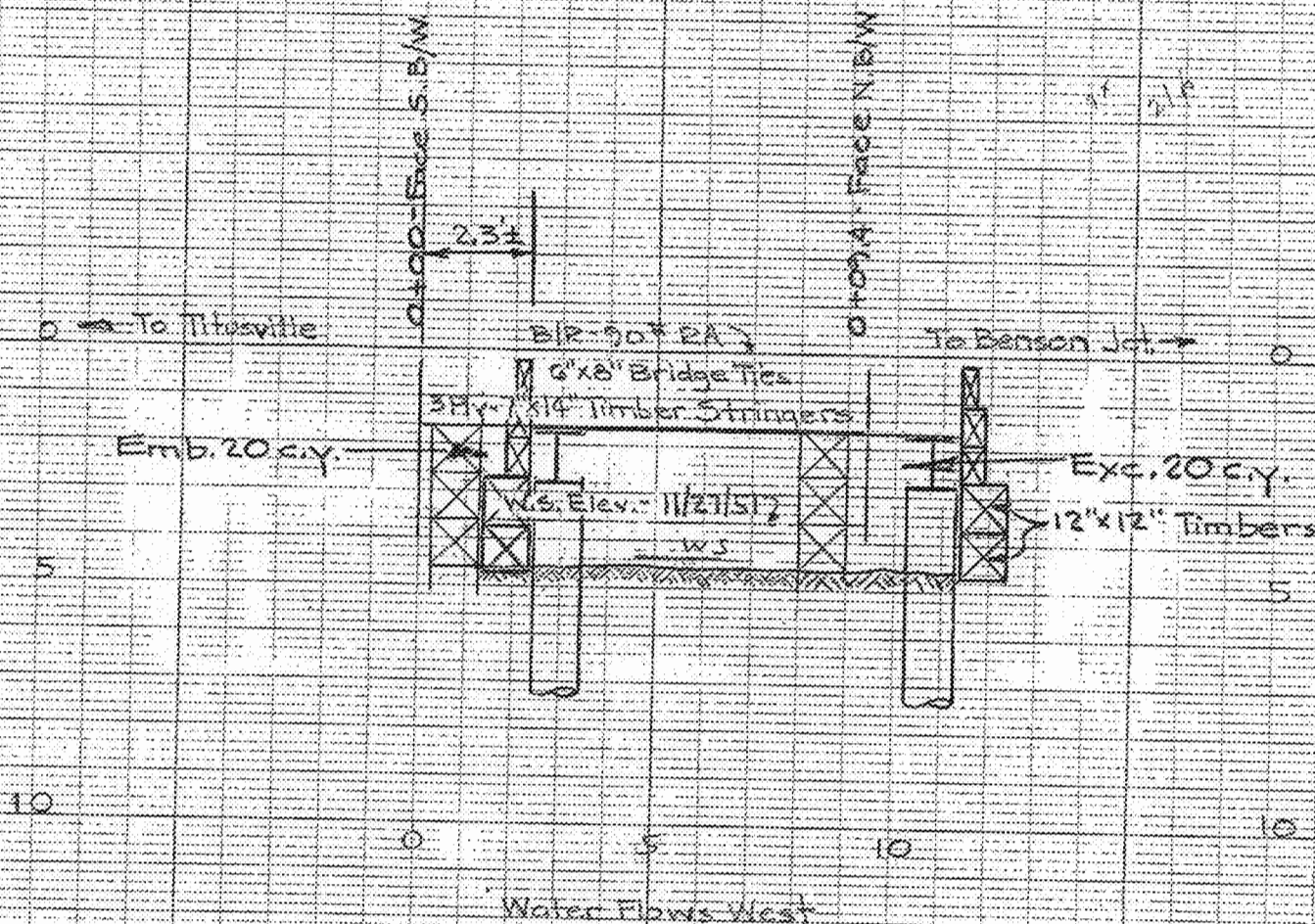
(55-1)

" 2-T57

(5-98-03)

" Single Track Backwall (55-2)

Under each standard backwall add two 12"x12" timbers for protection against washing.



BRIDGE NO. 7.64
TITUSVILLE BRANCH

Scale: 1"=4'

12/11/51

FLORIDA EAST COAST RAILWAY
OFFICE OF VICE PRESIDENT - ENGINEERING
ST. AUGUSTINE, FLORIDA

DATE: ____/____/____
BY: _____

1999 BRIDGE INSPECTION

Bridge No. E 7.64 Purpose: DRAINAGE
Location: Aurantia Owner: FEC
Crossing: FEC Maint.: 100%
Construction: Trestle No. of Tracks: 1
Length of Bridge: 9.00 Ft. Height (B/Rail, Max): 4Ft.
General Condition: Good

DECK: Type; OD, Tie Material; Wood, Last Renewed; 1955
Track Rail; 112 lb., JTD, Inside Guard: NONE
Tie Size; 8" x 8" x 09'- 0"

SPANS: Length; 0.00 Ft., Material; Steel Const; Stringer
Stringers: No./Rail; 1, Size; 12 WF 85
Year Fabricated/Installed; /1955 Last Painted;
Notes:

FOUNDATION: Year Built/Caps; 1955/1955, Multiple Track; N
ABUTMENTS: No. 2, Type; Wood Blkhead, WOOD shaft, STEEL cap
INTERMEDIATE: No., Type; Bent, shaft, cap
Number of Piles per Track: Abutment; 4, Intermediate; 0
Notes:

OTHER CONSTRUCTION: Walkways:
Notes: Track out of service

PROGRAM RENEWALS: Renew Bridge in 5 years? N; 2 years? N.
Fill upon renewal? N. Renew Deck in 5 years? N; 2 Years? Y.
PROGRAM REPAIRS: Bridge Ties; 9, Bent Piles; 0, Caps; 0
Other:
Estimated Gang Weeks for all Program Repairs: 0.0

NOTES OF INSPECTION: _____

County: Brevard
Tidal: N; Wetlands: N

LATITUDE = 0.0000
LONGITUDE = 0.0000

Printed: 3/13/97

For This Bridge SHEET 1 OF 1

APPENDIX 4

February 25, 2005

Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Re: Florida East Coast Railway, L.L.C./Abandonment Exemption

Dear Ms. Kammerer :

Florida East Coast Railway, L.L.C. ("FEC") is considering abandoning portions of two of its branch railroad lines. These lines include:

- (1) FEC's Titusville Branch line running from milepost TB 0.00 in the City of Titusville, Brevard County, Florida in a northerly then northwesterly direction to an end-of-track at milepost TB-9.8, Aurantia, Brevard County, Florida (the "Titusville Branch"), a distance of approximately 9.8 miles. The Titusville Branch has not been used to handle any rail traffic for more than two years; and
- (2) a portion of the South Little River Branch line extending from milepost LR-13 south to an end-of-track at milepost LR-18.00, Kendall, Dade County, Florida (the "Little River Branch"), a distance of approximately 5 miles. The portion of the Little River Branch from milepost LR-15.5 to milepost LR-18.00 has not been used to handle any rail traffic for more than two years.

Maps showing the locations of these branch lines are attached for your reference.

The proposed abandonment of these rail lines requires the prior approval of the U.S. Surface Transportation Board ("STB") pursuant to 49 U.S.C. §10903 *et seq.*, or an exemption from those provisions pursuant to 49 U.S.C. § 10502. In connection with obtaining such approval or exemption, FEC is required by 49 C.F.R. §§ 1105.7 and 1105.8 to prepare an Environmental and Historic Report that must include, *inter alia*, the following information:

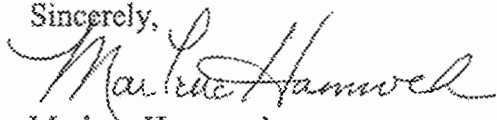
"An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities." 49 C.F.R. § 1105.8(d)(7).

It is FEC's current intention after the abandonment to remove the track material, such as rail and ties, but to leave the underlying bed intact. There are no buildings or other like structures on the lines, other than a small trestle bridge over a culvert on the Little River Branch approximately 9 feet in length that was built in the 1950's originally with wood stringers and 90# rail, and is now made of steel stringers with 112# rail. Based upon available information, FEC does not believe that there is any site or structure involved in the proposed abandonment that meets the criteria for listing on the National Register of Historic Places. Further, FEC does not believe that there are any archeological resources or any other previously unknown historic properties in the area of the proposed abandonments.

We would appreciate any comments that you might have on this matter at your earliest convenience. In accordance with the STB's regulations, a copy of the Environmental and Historic Report will be forwarded to you at least twenty (20) days before FEC's exemption request is filed with the Board.

If you have any questions or need additional information, please call me at 904-826-2264.

Sincerely,



Marlene Hammock
Assistant Secretary

Enc.



MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAR 30 2005

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

FLORIDA EAST COAST INDUSTRIES

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C.
P.O. Drawer 1048
St. Augustine, Florida 32085-1048

March 25, 2005

RE: DHR Project File Number: 2005-2385
Received by DHR February 28, 2005
Surface Transportation Board - Abandonment Exemption
▪ Titusville Branch Line- Milepost TB 0.00 to TB 9.8
▪ South Little River Branch - Milepost LR 13 to LR 15.5
Brevard and Miami-Dade Counties

Dear Ms. Hammock:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

We have reviewed the Florida Master Site File and our records and no historic properties are known to exist in the areas of potential effect. We look forward to reviewing the "Environmental and Historic Report" in order to complete the process of reviewing the impact of this proposed undertakings on historic properties.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail sedwards@dos.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

Laura R. Hammer, Deputy SHPO

for Frederick Gaske, Director, and
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☐ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

CERTIFICATE OF SERVICE

I, Marlene Hammock, hereby certify that Florida East Coast Railway, L.L.C. has consulted with all appropriate agencies in preparing the foregoing Combined Environmental and Historic Report and that on April 8, 2005 a copy of the foregoing report was served via Federal Express, upon each of the following agencies as designated in 49 C.F.R. §1105.7(b):

Ms. Laura P. Milligan
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Sally B. Mann
Director, Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS-47
Tallahassee, FL 32399-3000

Ms. Lynn F. Griffin
Administrator
Florida Coastal Management Program
Florida Department of Environmental Protection
Mail Station 47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Mr. Ron Pritchard, D.P.A.
Chairperson
Board of County Commissioners
Brevard County
2575 N. Courtenay Parkway
Merritt Island, FL 32953

Mr. James I. Palmer, Jr.
Regional Administrator, Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Mr. Sam Hamilton
Regional Director
Region 4
U.S. Fish & Wildlife Service
1875 Century Boulevard
Atlanta, GA 30345

Ms. Marie Burns
Chief
U.S. Army Corps of Engineers
Jacksonville District, Regulatory Division
701 San Marco Blvd.
Jacksonville, FL 32207

Ms. Patricia A. Hooks
Regional Director, Southeast Region
National Park Service
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Mr. T. Niles Glasgow
State Conservationist
United States Department of Agriculture
Natural Resource Conservation Service
2614 NW 43rd Street
Gainesville, FL 32606-6611

Mr. Richard A. Snay
Chief, Spatial Reference System Division
National Geodetic Survey
1315 East West Highway, N/NGS2
Silver Springs, MD 20910-3282

Ms. Laura A. Kammerer
Historic Preservationist Supervisor
Compliance & Review Section
Bureau of Historic Preservation
Florida Department of State
Room 402
500 South Bronough Street
Tallahassee, FL 32399-0250

Ms. Mary Ann Poole
Office of Policy and Stakeholder Coordination
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Ms. Robin Sobrino
Interim Director
Brevard County Planning and Zoning Office
2725 Judge Fran Jamieson Way, Bldg A
Viera, FL 32940


Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: April 8, 2005

EXHIBIT F

ADDITIONAL AGENCY RESPONSES



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Ms. Marlene Hammock
Florida East Coast Railway, L.L.C.
P.O. Drawer 1048
St. Augustine, Florida 32085-1048

May 4, 2005

RE: DHR Project File Number: 2005-4067 (2005-2385)
Received by DHR April 11, 2005
Surface Transportation Board - Abandonment Exemption
STB Docket No. AB-70 (Sub-No. 5X) - Proposed Abandonment of the Titusville Branch Railway
Line - Milepost TB 0.0 to Milepost TB 9.8
Brevard County

Dear Ms. Hammock:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Based on our review of the *Environmental and Historic Report* and our records, it is the opinion of this office that the proposed abandonment will have no effect on historic properties.

However, this office requests that the Titusville Branch Railway Line from milepost TB 0.0 to milepost TB 9.8 be documented. This documentation should include a completed Florida Master Site File Structure form (enclosed), current photograph and location map and be forwarded to this office.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail sedwards@doh.state.fl.us, or at 850-245-6333 or 800-847-7278.

Sincerely,

for *Lance H. Kammerer, Deputy SHPO*

Frederick P. Gaske, Director, and
State Historic Preservation Officer

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAY 09 2005

Enclosure

FLORIDA EAST COAST INDUSTRIES

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

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(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

Page 2

HISTORICAL STRUCTURE FORM

Site #8

Consult Guide to Historical Structure Forms for detailed instructions.

HISTORY

Construction date: Exactly _____ (year) Approximately _____ (year) Earlier than _____ (year) Later than _____ (year)

Architect (last name first): _____ Builder (last name first): _____

Moves: ☐ yes ☐ no ☐ unknown Dates _____ Original address _____

Alterations: ☐ yes ☐ no ☐ unknown Dates _____ Nature* _____

Additions: ☐ yes ☐ no ☐ unknown Dates _____ Nature* _____

Original Use* (give date ranges) _____

Intermediate Uses* (give date ranges) _____

Present Use* (give date ranges) _____

Ownership History (especially original owner, dates, profession, etc.) _____

* Consult Guide to Historical Structure Forms for preferred descriptions (coded fields at the Site File)

RESEARCH METHODS (Check all choices that apply; if needed write others at bottom)

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> formal archaeological survey | <input type="checkbox"/> past surveys search at FMSF | <input type="checkbox"/> local library research | <input type="checkbox"/> Sanborn maps |
| <input type="checkbox"/> informal archaeological inspection | <input type="checkbox"/> past sites search at FMSF | <input type="checkbox"/> non-local library research | <input type="checkbox"/> subdivision maps |
| <input type="checkbox"/> Public Lands Survey (DEP) | <input type="checkbox"/> FL Archives (Gray Building) | <input type="checkbox"/> building permits | <input type="checkbox"/> plat maps |
| <input type="checkbox"/> tax records/property deeds | <input type="checkbox"/> FL Photo Archives (Gray Building) | <input type="checkbox"/> demolition permits | <input type="checkbox"/> local newspaper files |
| <input type="checkbox"/> tax records only | <input type="checkbox"/> occupant/owner interview | <input type="checkbox"/> commercial permits | |
| <input type="checkbox"/> interior inspection | <input type="checkbox"/> neighbor interview | <input type="checkbox"/> occupation permits | |
| <input type="checkbox"/> other methods (specify) _____ | | | |

SURVEYOR'S EVALUATION OF SITE (Check one choice on each line)

Potentially eligible for local register? ☐ yes: name register at night ☐ no ☐ insufficient info Name of local register if eligible: _____

Individually eligible for National Register? ☐ yes ☐ no ☐ insufficient info _____

Potential contributor to Nat. Reg. district? ☐ yes ☐ no ☐ insufficient info _____

Area(s) of Historical Significance (See National Register Bulletin 15, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.) _____

Explanation of Evaluation (required, whether positive or not; limit to three lines; attach longer statement, if needed, on separate sheet)

DOCUMENTATION (Photos, Plans, etc.)

Bibliographic References (Use Continuation Sheet, give FMSF Manuscript # if relevant) _____

Photographs (required) B&W print(s) at least 3 x 5, at least one main facade.

Location of negatives & negative numbers _____

RECORDER

Name (last name first) / Address / Phone / Fax / Email / Affiliation _____

Remember: Use a Supplement for Site Forms or other continuation sheet for descriptions that do not fit in the spaces above.

REQUIRED:

- (1) USGS 7.5' MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3X5

BREVARD County

BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

TRANSPORTATION ENGINEERING DEPARTMENT
 8725 Judge Frank Jamieson Way, Bldg. A, Rm. 204
 Viera, Florida 32940

Telephone: (321) 817-7202
 Fax: (321) 893-2083



April 28, 2005

Section of Environmental Analysis
 Surface Transportation Board
 1925 K Street, NW
 Washington, DC 20423

Re: STB Docket No. AB-70 (Sub-No. 5X)
Proposed Abandonment of Titusville Branch Railway Line

To Whom It May Concern:

Comments/concerns for the proposed Abandonment of Titusville Branch Railway Line are as follows:

- Barbara Meyer, Bicycle Pedestrian Coordinator, for Brevard County, would like to go on record that this proposed abandonment is part of the proposed East Central Florida Rail Trails. Currently DEP (office of Greenways & Trails) is negotiating with FEC to purchase the corridor for a Rails to Trails project in coordination with Brevard & Volusia County. Please advise if this action will interfere with the purchase of this corridor.
- Page 3 (iv) "Right of way suitable for Alternative Public Use"! Possibly some sort of foot path - bike path, etc. could be utilized within this 9.8 mile. This could also connect various parts of Titusville recreational areas.

Please call if more information is needed.

Sincerely

John P. Denninghoff
 John P. Denninghoff, P.E.

Transportation Engineering Department Director

cc: Marlene Hammock, FEC, One Malaga Street, St. Augustine, FL

PostNet Fax Note	7571	Date	5/28	# of pages	1
To	Marlene	From	John D		
Co/Dept	Hammock	Co.			
Phone #	904 826 2264	Phone #	321 617 7202		
Fax #		Fax #			



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

MAY 5 2005

MARLENE HAMMOCK
ASST. GENERAL COUNSEL

MAY 10 2005

FLORIDA EAST COAST INDUSTRIES

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Florida East Coast Railway, L.L.C. for approximately 9.8 miles of rail line known as the Titusville Branch running from milepost TB 0.0 in Titusville, Florida, to milepost TB 9.8 in Aurlantia, Brevard County, Florida, STB Docket No. AB-70 (Sub-No. 5X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 9 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet www.ngs.noaa.gov. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic markers, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

for Richard A. Smy
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 -- R. Taylor
Marlene Hammock, Florida East Coast Railway, L.L.C.



Printed on Recycled Paper



FLORIDA EAST COAST RAILWAY, L.L.C.

THE TITUSVILLE BRANCH

BETWEEN TITUSVILLE AND AURANTIA

IN BREVARD COUNTY, FLORIDA

DOCKET NO. AB-70 (SUB-NO. 5X)

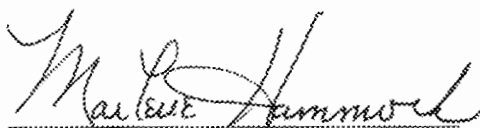
9 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
AK0910	J 24 2	N283720	W0804859
AK0913	TITUSVILLE SE BASE RM 3	N283727	W0804918
AK0912	TITUSVILLE SE BASE	N283728	W0804922
AK0909	TITUSVILLE SE BASE AZ MK	N283734	W0804925
AK0739	J 23	N283735	W0804925
AK1367	J 228 RESET	N283912	W0805023
AK0709	TITUSVILLE NW BASE RM 3	N284239	W0805229
AK0730	TITUSVILLE NW BASE	N284240	W0805229
AK0731	TITUSVILLE NW BASE RM A	N284240	W0805228

EXHIBIT G

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-70 (Sub-No. 5X) was advertised in Florida Today on April 8, 2005, a newspaper of general circulation in Brevard County, Florida, (copy attached hereto) as required by 49 C.F.R. § 1105.12.

A handwritten signature in cursive script, appearing to read "Marlene Hammock", is written over a horizontal line.

Marlene Hammock
Assistant Secretary
Florida East Coast Railway, L.L.C.

Dated: May 25, 2005



Published Daily

STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared MAUREEN FARR who on
oath says that she is LEGAL ADVERTISING CLERK

of the FLORIDA TODAY, a newspaper published in Brevard County, Florida;
that the attached copy of advertising being a LEGAL NOTICE

(AD#548956-S148.73) the matter of

FLORIDA EAST COAST RAILWAY

in the _____ Court

RE: EXEMPT ABANDONMENTS

was published in the FLORIDA TODAY

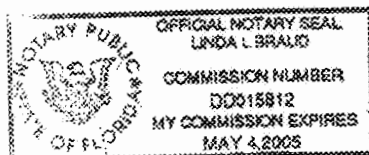
in the issues of APRIL 8, 2005

affiant further says that the said FLORIDA TODAY

is a newspaper in said Brevard County, Florida, and that the said newspaper has
heretofore been continuously published in said Brevard County, Florida, regularly as
stated above, and has been entered as periodicals matter at the post office in
MELBOURNE in said Brevard County, Florida, for a period of one year next preceding
the first publication of the attached copy of advertisement; and affiant further says that
she has neither paid nor promised any person, firm or corporation any discount, rebate,
commission or refund for the purpose of securing this advertisement for publication in
said newspaper.

Maureen Farr
(Signature of Affiant)

Sworn to and subscribed before this this 8TH DAY OF APRIL, 2005



Linda L. Braud
(Signature of Notary Public)

LINDA L. BRAUD

(Name of Notary Typed, Printed or Stamped)

Personally Known _____ or Produced Identification _____
Type Identification Produced _____

AD#548956-4/8/2005

Florida East Coast Railway, L.L.C. gives notice that on or about May 2, 2005, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1102 Subpart F - Exempt Abandonments permitting the abandonment of a 9.8 mile branch line of railroad between railroad milepost TB 8.00 in the City of Titusville and railroad milepost TB 9.2 in Auraria, which traverses through United States Postal Service ZIP Codes 32754 and 32796 in Brevard County, Florida. The proceedings will be docketed as No. AB-70 (Sub-No.5K).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and agency matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-965-1500.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Request for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-965-1500. Copies of any comments or request for conditions should be served on the applicant's representative: Maureen Hammock, Florida East Coast Railway, P.O. Box 1048, One Malaga Street, SE, Augusta, Georgia 30905.